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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,618	03/25/2002	John David Schnabel	DYOUN0216US	5796
26710	7590	05/11/2005	EXAMINER KING, ANITA M	
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			ART UNIT 3632	PAPER NUMBER

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,618

Applicant(s)

SCHNABEL ET AL.

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 10, 11 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is a non-final office action for application number 09/869,618, Cabinet, filed on March 25, 2002.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 1, 2005 has been entered.

Drawings

The drawings are objected to because in Fig. 2, the apertures labeled with reference character "9" should have a different reference character to clearly distinguish the apertures from the apertures (9) in the side member (5) of Fig. 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Art Unit: 3632

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Amendment

The indicated allowability of claims 3 and 12 is withdrawn in view of the further considered reference(s) to Zachrai. Rejections based on the newly cited reference(s) follow.

Cancellation of Claims

Claims 4-8 and 18-24 have been canceled per applicant's request.

Claim Objections

Claims 1 and 9 are objected to because of the following informalities: in line 1 of the both claims, a comma should be inserted after "cabinet" to clearly distinguish the claimed invention from the intended use. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 9, 13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,788,490 to Featherman. In regard to claim 1, Featherman discloses a frame (10) comprising side members (12) receiving panel mounts (30) having attachment members (46), the panel mounts being mountable to the side members (12) by hook-shaped integral members (40) formed in a cutout aperture (38) which extend from a vertical edge of the cutout aperture substantially parallel to an outer face of the panel mount at a spacing from the outer face and in a horizontal direction, the integral members each being insertable in an aperture (24a) in the side members, followed by movement horizontally to extend the integral member along a wall of the side member behind a web (20a) of the side member to secure the panel mount to the side members and to align a bore spaced horizontally from the integral member with a bore spaced horizontally from the aperture in the panel mount, and a retaining device (not shown) than being inserted in aligned bores in the panel members and the side members to retain the panel mount in position.

In regards to claims 9, 13, and 16, Featherman discloses a frame (10) comprising a plurality of vertically-extending side members (12), each of the side members including at least one aperture (24a) and a corresponding bore spaced horizontally from the aperture; at least a vertically extending panel mount (30), the panel mount including a horizontally extending hook-shaped integral member (40) and a bore spaced horizontally from the hook shaped member, the hook-shaped member being sized and dimensioned to be inserted through the aperture in the vertically extending side member such that after the hook is inserted through the aperture and slid

Art Unit: 3632

horizontally relative to the aperture, the hook extends horizontally along a wall of the side member behind a web (20a) of the side member; at least one fastening device, sized and dimensioned to be received in the bores in the vertically extending side members and the bore in the panel mount, wherein the horizontally extending hook shaped member in the panel mount is receive in a selected one of the apertures in the side members and is engaged to a wall of the side member wherein the bore adjacent the hook-shaped member is aligned with the bore adjacent the selected apparatus and the fastening device is received in each of the aligned bores to attach the panel mount to the side member; wherein the hook-shaped member comprises a three-sided cutout in which the cutout is bent outwardly and back parallel to a surface of the panel mount to form the horizontally-extending hook; and wherein the side members include a plurality of horizontally-spaced apertures and a plurality of horizontally spaced bores, the number of bores being equivalent to the number of apertures, wherein each of the plurality of bores is spaced horizontally from and adjacent to the corresponding one of the horizontally-spaced apertures, such that the panel mount is receivable in any of the horizontally-spaced bores in the side member.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2, 12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Featherman. Featherman discloses the claimed invention except for

Art Unit: 3632

the limitations of the apertures being spaced at 25mm, the fastening device being a pin or a clip, and wherein the vertically extending side members are substantially equivalent in length to the vertically extending panel members. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the distance between the apertures in Featherman to have been 25 mm for the purpose of providing a specified distance to mount the panels for the purpose of providing a uniformed distance between each panel. It would have been obvious on to one having ordinary skill in the art at the time the invention was made to have modified Featherman to have included a pin or a clip for a fastening device, since it is known in the art of mounting panels to frames to use a clip or a pin for fastening and securing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the length of the side members substantially equivalent to the length of the panel mounts for the purpose of providing a frame for mounting a square cabinet and since such a modification would not have produced any unexpected results.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Featherman in view of U.S. Patent 6,070,957 to Zachrai. Featherman further discloses a brace (14) extending between the side members and wherein the brace has apertures. Featherman discloses the claimed invention except for the limitation of the brace having elongate slots. Zachrai discloses frame including side members (30) and at least one brace (10) extending between the side members wherein the brace includes apertures (not labeled) and horizontally elongate slots (12) therein, whereby the brace can be secured by fastening devices (50) extending through the slots. It

Art Unit: 3632

would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the frame in Featherman to have included the brace as taught by Zachrai for the purpose of providing a means for adjusting the spacing between the side members to accommodate cabinets of various sizes.

Allowable Subject Matter

Claims 10, 11, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed December 23, 2004 have been fully considered but they are not persuasive. The rejections advanced against claims 1, 2, 9, and 13-16 stand.


In response to applicant's arguments that Featherman does not disclose an integral hook-shaped member that extends behind a web of the side member, the examiner disagrees, integral member (40) will extend behind the web/front wall (20a) of the side member (12) along the back wall of the front wall (see Fig. 5) when the integral member is inserted in the aperture.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

May 6, 2005